

PREDECISIONAL DRAFT

Protocol Topic: Shipment Prenotification

1. Introduction

This DOE prenotification protocol addresses near-term notification activities for pending DOE shipments of radioactive shipments. This protocol is to be used in conjunction with related protocol areas, in particular, the Projected Shipment Planning Information protocol.

2. Shipment Prenotification

Definition: Shipment prenotification is the process of informing public officials that specific near-term shipments will be transported through their jurisdictions. Such prenotifications will be done as required by regulations and agreements with states and tribes.

1. Non-classified Shipments

1. Spent Fuel and High-Level Waste

DOE, its contractors, or carriers will provide advance notification of unclassified shipments of spent fuel and high-level waste in accordance with applicable requirements as shown in Table 1. ***In addition, the Department intends that verbal or written notification be provided to state and tribal designated points of contact so that they are informed at least seven working days prior to actual shipment.***

2. Transuranic Waste Shipments

The following notifications will be made for transuranic waste shipments to WIPP:

1. Annual projection of shipments by January 31
2. Six month update of the annual projection by July 31
3. 14-day Notification will be made prior to the first five WIPP shipments for each corridor. These will be provided to impacted corridor states and Tribes by a single letter for all five shipments. The following information will be included in 14-day notifications for shipments to WIPP:
 - (1) name, address, and telephone number of the shipper, carrier and receiver
 - (2) point of origin of the shipment
 - (3) description of the shipment
 - (4) estimated date and time of departure from the point of origin

4. Eight-week rolling projections
 - (1) provided via TRANSCOM, or other electronic means
 - (2) updated when schedule changes
5. 2-hours prior to entry into each state
 - (1) provided by telephone from the WIPP Central Monitoring Room
 - (2) to designated state control center

3. Other DOE Shipments

There are no shipment-specific prenotification requirements in the DOT regulations or DOE Orders for shipments of:

1. Low-level and mixed low-level waste
2. Isotopes
3. Tritium-bearing reactor components
4. Non-radioactive materials

No shipment-specific prenotification will be provided for these shipments.

4. Additional Shipment Information Practices

DOE offices in dealing with state, tribal, and local authorities, may provide additional planning information and shipment prenotification.

2. Classified Shipments

Classified national security shipments that meet safeguards and security requirements, including Naval spent fuel shipments, do not provide shipment prenotifications. The Atomic Energy Act of 1954 provides security requirements for the protection of information related to nuclear weapons and special nuclear materials shipments. The DOT exemption for national security shipments is reflected in 49 CFR 173.7(b).

Table 1
Prenotification Requirements for Non-classified Spent Fuel and High-Level Waste

Type of shipment	Unclassified DOE SNF and HLW not subject to NRC regulation	SNF subject to NRC regulation, in excess of 100 g net weight and over 100 rems per hour at 3 feet	SNF subject to NRC regulation- less than 100 g net weight or under 100 rems per hour at 3 feet and HLW subject to NRC regulation
Requirements	DOE Order 460.2	10 CFR 73.37	10 CFR 71.97
Who is notified	Governors or designees and designated tribal points of contact	Governors or designees ¹	Governors or designees ¹
Time of notification	Postmarked at least 7 days before shipment if mailed, 4 days by messenger	Postmarked at least 7 days before shipment if mailed, 4 days by messenger	Postmarked at least 7 days prior to 7 day period when shipment departure is estimated, 4 days by messenger
Notification of schedule changes	By telephone if greater than 6 hours	By telephone if greater than 6 hours	By telephone if outside of 7-day period
Information to be included in notification	(1) name, address, and telephone number of shipper, carrier, and receiver; (2) description of the shipment (3) a listing of routes to be used within the state or through tribal jurisdictions; (4) estimated date and time of departure from point of origin; (5) estimated date and time of entry into the Governor's state and/or into tribal lands; (6) estimated date and time of departure from the Governor's state and/or tribal jurisdiction (when the destination is not	(1) name, address, and telephone number of shipper, carrier, and receiver; (2) description of the shipment (3) a listing of routes to be used within the state; (4) estimated date and time of departure from point of origin; (5) estimated date and time of entry into the Governor's state; (6) Statement on safeguarding schedule information	1) name, address, and telephone number of shipper, carrier, and receiver; (2) description of the shipment (3) point of origin and 7-day period when departure is estimated (4) 7-day period during which arrival at State is estimated (5) destination and 7-day period when arrival is estimated (6) point-of-contact

¹DOE has requested that NRC amend this to also permit notification to tribal authorities.

	within the state)		
Safeguard requirements	None	Schedule information for 10 days after shipment per 10 CFR 73.21	None

KEY ISSUES

1. **Stakeholders want all transuranic waste shipments prenotified in the same manner as shipments to WIPP.**

Specific Comments:

In Section II.A.2. The words "to WIPP" should be deleted. According to the 1998 Record of Decision on transuranic waste, the WGA WIPP Transportation Safety Program Implementation Guide, and the SSEB Transportation Planning Guide for the U.S. DOE's Shipments of TRU Waste, DOE will conduct all shipments of TRU waste in accordance with applicable requirements and in coordination with appropriate State, Tribal and local authorities and the current language in this section refers only to WIPP shipments. (MCSG)

DOE Response:

These procedures for TRU shipments to sites other than WIPP are being developed.

2. **Stakeholders want prenotification for some low-level waste shipments (higher activity, high-volume campaigns).**

Specific Comments:

Prenotification protocol should provide for 7-day prenotification for shipments of the subset of LLW and MLLW that present high risks. The protocol could define the subset of LLW and MLLW for which prenotification would be provided. Alternatively the protocol could provide flexibility for the affected States and Tribes to identify, based on planning information, specific shipments or campaigns of LLW and other materials for which 7-day prenotification would be required. (STGWG)

States would like some notification (ideally, the WIPP model or equivalent) on all imminent shipments including LLW and MLLW. High activity materials that pose higher potential risks would require more involvement/discussion before shipment. (NGA)

DOE Response:

DOE recognizes stakeholders need for planning information for significant shipments. The Department will make planning information available, as described in the projected shipment planning protocol, to facilitate a continuing dialogue between shippers and affected stakeholders.

3. **Stakeholders want prenotification of shipments of other materials, such as cesium capsules.**

Specific Comments:

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Other materials, oddball shipments, prenotification should be given on include: radioactive material that are liquid in nature, dual placarded materials (where radioactive placard is not the primary), pyrotechnic and highly hazardous materials, also tritium program shipments due to perception of the material. (TEC/WG Protocol Topic Group)

The prenotification protocol should provide for 7-day prenotification for shipments of "high-level" materials not classified as wastes. For example, prenotification should be provided for unclassified shipments of cesium capsules and other plutonium materials that present high hazards but are technically products not wastes. (STGWG)

The Umatilla would like 7-day prenotification of ALL shipments of radioactive and hazardous materials across the Umatilla reservations. Except for "high-level" materials and LLW and MLLW that present high risks, State representatives for the STGWG did not express interest in 7-day prenotification for all shipments. (STGWG)

DOE Response:

Greater value will be derived from sharing information about such shipments during an ongoing dialogue as envisioned in the shipment planning information protocol.

4. Can we require that prenotification of spent fuel shipments be made sooner than the regulatory-required 7-day postmark?

Specific Comments:

The California Highway Patrol requires a minimum of 15-day written notification for transuranic waste shipments to or from DOE facilities in California. Written notification postmarked seven days prior to shipment is insufficient due to delays in mail delivery. Recommend a longer lead time of at least 15 days prior to shipment. (Calif. Energy Board)

The State of New Mexico is extremely disappointed with the proposed "time of notification" proposed in the prenotification protocols for SNF and HLW. Written notification postmarked seven days before shipment may not arrive until three to four days before shipment. Receipt of written notification should be a full seven days in advance of the shipment. (NM EM&NR Dept.)

DOE Response:

Added the following to section II.A.1:

"In addition, the Department intends to provide verbal or written notification to state and tribal designated points of contact so that they are informed at least seven working days prior to actual shipment."